# FACSIMILE COVER SHEET

The Law Offices of STRAUB & POKOTYLO

RECEIVED CENTRAL FAX CENTER

APR 25 2008

788 Shrewsbury Ave. Tinton Falls, NJ 07724

Telephone: 732-936-1400

Facsimile: 732-936-1401 Internet site: www.sp-ip.com

To: U.S. Patent and Trademark Office

Facsimile No.: (571) 273-8300

From: John C. Pokotylo, Esq.

Date: April 25, 2008

Number of Pages Including Cover: 9

MESSAGE:

#### FORMAL SUBMISSION OF:

- 1) Transmittal (1 pg.);
- 2) Fee Transmittal (1 pg.) (in duplicate);
- 3) A copy of Notification of Missing Requirements Under 35 U.S.C. §371 (2 pgs.); and
- 4) An Executed Declaration and Power of Attorney form (3 pgs.).

Attorney Docket No.: Wuesthoff-10 (9A-99 194)

Appl. No.: 10/588,175

Applicants: Michael MROCHEN, et al.

Filed: August 2, 2006

Title: OPHTHAMOLOGICAL DEVICE

TC/A.U.:

Examiner: Terry M. Johnson Vessels

#### CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (and any accompanying paper(s)) is being facsimile transmitted to the United States Patents and Trademark Office on the date shown below.

John C. Pokotylo

Type or print name of person signing certification

Signature

April 25, 2008

Date

Modified PTC/SB/17 (01-03)
Approved for use through 04/30/2003. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Discollection of intermation unless it displays a valid OMB control number.

				o, no persons are requi		sporto o	0 2 0011	ecuono	Complete				
F	EE	TR	ANS		Lŀ	A==!:		Ali make	1.0.50			RECEIVE	ED.
7					- F			Numbe		·	CEN	TRAL FAX	:EN
	1	tor	FY 2	2007	-	Filing				t 2, 2006			
Effective	e 09/30/20	07. Patent	fees are subje	ct to annual revision.	-	First	Name	d inven	tor Micha	el MROCE	IEN V	PR 25 2	MR
Applica			ditu atatua (	Con 27 CED 1 27		Exam	iner N	ame	Тепту	M. Johnson	Vessels		-00
Applicar	nt claims	Small er	uny status.	See 37 CFR 1.27	[	Art U	nit		Not ye	t assigned		·	ı
TOTAL AN	MOUNT (	OF PAY	MENT	(\$) 0.00		Atton	ney Do	cket N	o. Wuest	hoff-10 (9 <i>A</i>	A-99 194)		
METH	OD OF	PAYME	NT (check	all that apply)				FE	CALCULA	TION (con	tinued)		
☐ Check	Credit	card [	Order	Other None				FEE	S				
Deposit i	Account:				Fee		Fee	Entity Foe	Faa	Di-fian			İ
Deposit Account		50-10	049		Code		Code		ree	Description		Fee Paid	İ
Number					1051	130	2051	65	Surcharge - la	-			ĺ
Deposit Account		Strau	b & Pokot	ylo	1052	50	2052	25	Surcharge - lat	e provisional f	iling fee or		İ
Name he Commissio	oper is and	thorized to	n: (check all th	at apply)	1053	130	1053	130	Non-English a	oecification			ĺ
Charge any u	underpaym			dit any overpayments	1812	2,520	1812	2,520	For filing a req	uest for ex par	te reexamination	·	l
e(s) indicated Charge any fe	ee(s) due	in connec	tion with the fi	iling	1804	920*	1804	920*	Requesting pu Examiner action		R prior to		
thmitted here Charge fee(s) the above-lo	) indicated			filing fee in the	1805	1,840*	1805	1,840*		ublication of SI	R after		
		<del></del>	CULATIO	NI	1251	120	2251	60	Extension for	eply within firs	t month		ĺ
BASIC E				INATION FEES	1252	460	2252	230	Extension for	eply within sec	cond month		ĺ
rge Entity			II DE LAMIN	INATION I ELS	1253	1,060	2253	525	Extension for	eply within thir	d month		ı
Fee (\$)	Fee		e Description	Fee Paid	1254	1,640	2254	820	Extension for	reply within fou	rth month		l
1030	(\$) 515	5 L	Itility fee		1255	2,230	2255	1,115	Extension for	reply within fifth	n month		l
440	220		Design fee	<u> </u>	1401	510	2401	255	Notice of App	eaf			
680	340		Plant fee		1402	510	2402	255	Fliing a brief i	n support of an	appeal		
1440	720	D F	leissue fee		1403	1,030	2403	515	Request for or	al hearing			ĺ
210	105	5 P	rovisional tee		1451	1,510	1451	1,510	Petition to ins	itute a public u	se proceeding		l
	İ	SUE	STOTAL (1)	(\$) 0.00	1452	510	2452	255	Petition to rev	ve - unavoidat	ale		İ
EVTD A	01 444				1453	1,540	2453	770	Petition to revi	ve - unintentio	nat		l
EXIHA	CLAIMI			Fee from Fee Paid	1501	1,440	2501	720	Utility issue fe				
otal Claims	r <del></del> -	-20** -	xtra Claims	below Fee Paid	1502		2502	410	Design issue	tee			ĺ
ndependent	-	-3**=			1503	1,130	2503	565	Plant issue to				l
taims fultiple Depe	ndent	, , ,	^								- check fee shee	*	
		F414		لــــــا <sup>ء</sup> لــــــا	1807	50	1807	50	_	e under 37 CF	•		l
arge Entity Fee Fee		<u>Entity</u> Fee	Fee Descri	otion	.1806	180	1806	180			Disclosure Stmt		
Code (\$)	Code	(\$) CF CH		-4 20	8021	40	8021	40		ch patent assi s number of p			ĺ
1202 50	2202		alms in excess		1809	810	2809	405	Filing a subm	rission after fin			
1201 210			•	ims in excess of 3	4	045			(37 CFR 1.12)		n eo ho		
1203 370			•	ent claim, if not paid	1810	810	2810	405		itional invention CFR 1,129(b)			
1204 210	2204		leissue indepen wer original pat		1801	810	2801	405			mination (RCE)		l
1205 50	2205	25 **		s in excess of 20	1802	900	1802	900	Request for ea	cpedited examination	nation		
			_	·	Other	tee (sp	ecify)						
**or number	r previously		OTAL (2) reater, For Rei:	(\$) 0.00 ssues, see above				Filling Fe	e Paid	SUBTOTAL	(3) (\$) 0.00		
UBMITTED E	ву									(Complete fif	applicable)		]
lame (Print/Type		John (	C. Pokotyic	0 1 :	· ·	Registra Afformad	tion No.	36	.242	Telephone	(732) 936-14	400	1
	· .			1. John +	كلب	Affornavl	agent)			Date	April 25, 2	2008	1
gnature	ŀ	-	klm							pair			

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of Information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231.

Modified PTO/SB/17 (01-03)
Approved for use through 04/30/2003. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

CEE TO A MOMETT		T				Complete if Known	DEAEN
FEE TRANSMITTA	<b>1</b> L	A	pplic	ation I	Numbe	or 10/588,175	HECEIVE
for FY 2007		$\vdash$		Date		August 2, 2006	NTRAL FAX C
Effective 09/30/2007, Patent fees are subject to annual revision.		F	First I	Named	Inven	tor Michael MROCHEN	APR 25 20
спосиче изгоигоит. гашни неев ате вищеся то шиная темвот.		E	xam	iner N	ame	Terry M. Johnson Vessels	*** ** E J E
Applicant claims small entity status. See 37 CFR 1.27			Art Ur	nit		Not yet assigned	
TOTAL AMOUNT OF PAYMENT (\$) 0.00		$\vdash$			cket N	· · · · · · · · · · · · · · · · · ·	
METHOD OF PAYMENT (check all that apply)	T				FEE	CALCULATION (continued)	
Money C	3.	ADI	OITIO	ONAL	. FEES	S	
	16			Small			
Deposit Account:		e F			Fee (S)	Fee Description	Foo Boid
Account 30-1049	105	<b>de</b> ( 51 °	( <del>)</del> 130	Code 2051	(ə) 65	Surcharge - late filing fee or oath	Fee Paid
Number Deposit Straub & Pokotylo	105		50	2052	25	Surcharge - late provisional filing fee or	
Name	100	53 ·	120	1053	130	cover sheet Non-English specification	
The Commissioner is authorized to: (check all that apply)  Charge any underpayment of   Credit any overpayment		53 122,		1812		For filing a request for ex parte reexamina	ation
ee(s) indicated below 2Charge any fee(s) due in connection with the filling	180		920	1804	920*	Requesting publication of SIR prior to	
icharge any teets) due in connection with the filling tee in the icharge lee(s) indicated below, except for the filling fee in the	18	05 1	.840*	1805	1,840*	Examiner action  Requesting publication of SIR after	
o the above-identified deposit account.				•		Examiner action	
FEE CALCULATION	12		120	2251	60	Extension for reply within first month	
. BASIC FILING, SEARCH & EXAMINATION FEES	12		460	2252	230	Extension for reply within second month	
arge Entity Small Entity Fee Fee Fee Description Fee Pai	_	53 1,	•	2253		Extension for reply within third month	.
(\$) (\$)	ء ا 'د	54 1		2254	820	Extension for reply within fourth month	
1030 515 Utility fee			,230	2255	•	Extension for reply within fifth month	
. 440 220 Design fee	11		510	2401		Notice of Appeal	<u> </u>
680 340 Plant fee			510	2402		Filing a brief in support of an appeal	<u> </u>
1440 720 Reissue fee	<b>⊣</b> I		,030	2403		Request for oral hearing  Petition to institute a public use processfir	,, <del>                                   </del>
210 105 Provisional fee	==		510 510	2452	1,510 255	Petition to revive - unavoidable	" <del>  </del>
SUBTOTAL (1) (\$) 0.00				2453	770	Petition to revive - unintentional	
2. EXTRA CLAIM FEES FOR UTILITY AND REISS	IIFI		1,540 1,440	2501	720	Utility issue fee (or reissue)	
Extra Claims Fee from Fee P	- 7 4			2502		Design Issue fee	
Total Claims20** = X =	_ 11		,130	2503			
Independent 3** = X X	<u> </u>					Petitions to the Commissioner - check fee :	sheet
Muttiple Dependent	18	307	50	1807	50	Processing fee under 37 CFR 1.17(c)	
Large Entity   Small Entity	18	06	180	1806	180	Submission of Information Disclosure S	tml
Fee Fee Fee Fee Fee Description Code (\$) Code (\$)	80	21	40	8021	40	Recording each patent assignment per	·
1202 50 2202 25 Claims in excess of 20		109	810	2809	405	property (times number of properties)  Fiting a submission after final rejection	
1201 210 2201 105 Independent claims in excess of 3	1 '°		010			(37 CFR 1.129(a))	
1203 370 2203 185 Multiple dependent claim, if not pai	d 18	310	810	2810	405		
1204 210 2204 105 **Reissus independent claims .	1,	BO1	810	2801	405	examined (37 CFR 1.129(b))  Request for Continued Examination (Re	CE)
1205 50 2205 25 **Reissue claims in excess of 20		802	900			Request for expedited examination	
and over original patent	ᆔᇪ	her f	ee (er	pecify)		of a design application	<u> </u>
SUBTOTAL (2) (\$) 0.00  **or number previously paid, if greater, For Reissues, see above					Filing F	ee Paid SUBTOTAL (3) (S)	0.00
SUBMITTED BY		D.	enietro	tion No.	24	(Complete (if applicable) 5.242 Telephone (732) 93	6-1400
Name (Print/Type) John C. Pokotylo	4	LÄ	flomes	(Agent)	36	, cooperation	
Signature \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \ \	Th -					Date April 2	25, 2008

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Paterni and Trademark Office, U.S. Department of Commerce, Washington, DC 20231.

### RECEIVED **CENTRAL FAX CENTER**

# APR 25 2008



#### JNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Absoration, Virginia 12313-1450 www.unipto.nov

U.S. APPLICATION NUMBER NO.

FIRST NAMED APPLICANT

ATTY, DOCKET NO.

10/588,175

Michael Mrochen

Wuesthoff-10 (9A-99 194)

INTERNATIONAL APPLICATION NO.

Straub & Pokotylo 620 Tinton Avenue

Building B, 2nd floor Tinton Falls, NJ 07724

PCT/EP05/01083 I.A. FILING DATE PRIORITY DATE

02/03/2005

02/03/2004

**CONFIRMATION NO. 5061** 371 FORMALITIES LETTER

Date Mailed: 02/26/2008

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 08/02/2006
- Copy of the International Search Report filed on 08/02/2006
- Copy of IPE Report filed on 08/02/2006
- Preliminary Amendments filed on 08/02/2006
- Information Disclosure Statements filed on 08/02/2006
- Small Entity Statement filed on 08/02/2006
- Request for Immediate Examination filed on 08/02/2006
- U.S. Basic National Fees filed on 08/02/2006
- Priority Documents filed on 08/02/2006

The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

 Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web. https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html

page 1 of 2

FORM PCT/DO/EO/905 (371 Formalities Notice)

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <a href="http://www.uspto.gov/ebc.">http://www.uspto.gov/ebc.</a>

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

lephone:	(703) 308-9140 EXT 221	
----------	------------------------	--

page 2 of 2

FORM PCT/DO/EQ/905 (371 Formalities Notice)